

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

FEDERICO OVIEDO-VILLARMAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 04-1288(JAF)

O R D E R

Petitioner, Federico Oviedo-Villarmán, requests a certificate of appealability from this court to appeal our denial on July 29, 2005, of his 28 U.S.C. § 2255 petition. Docket Document No. 18, 34; see 28 U.S.C. § 2253(c)(2) (1994 & Supp. 2005). A certificate of appealability may be granted only upon a substantial showing of the denial of a constitutional right. 28 U.S.C. §§ 2253(c)(2) and (3). "To make this showing, the applicant must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Santana v. United States, Civ. No. 04-2701 (1st Cir. Aug. 23, 2005).

Upon reviewing the record, we find that any reasonable jurist would find Petitioner's claim entirely insubstantial for the reasons stated in the magistrate judge's Report and Recommendation of June 1, 2005, which we adopted on July 29, 2005. Docket Document No. 12, 17. Accordingly, we **DENY** Petitioner's request for a certificate of appealability. Docket Document No. 34.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 2nd day of May, 2006.

s/José Antonio Fusté
JOSE ANTONIO FUSTE
Chief U. S. District Judge